



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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TECHNICAL STAFF REPORT
Petition Accepted on February 20, 2007
Planning Board Meeting of April 26, 2007
Zoning Board Hearing to be scheduled

Case No./Petitioner: ZB 1066M – Murray Hill PSC, LLC

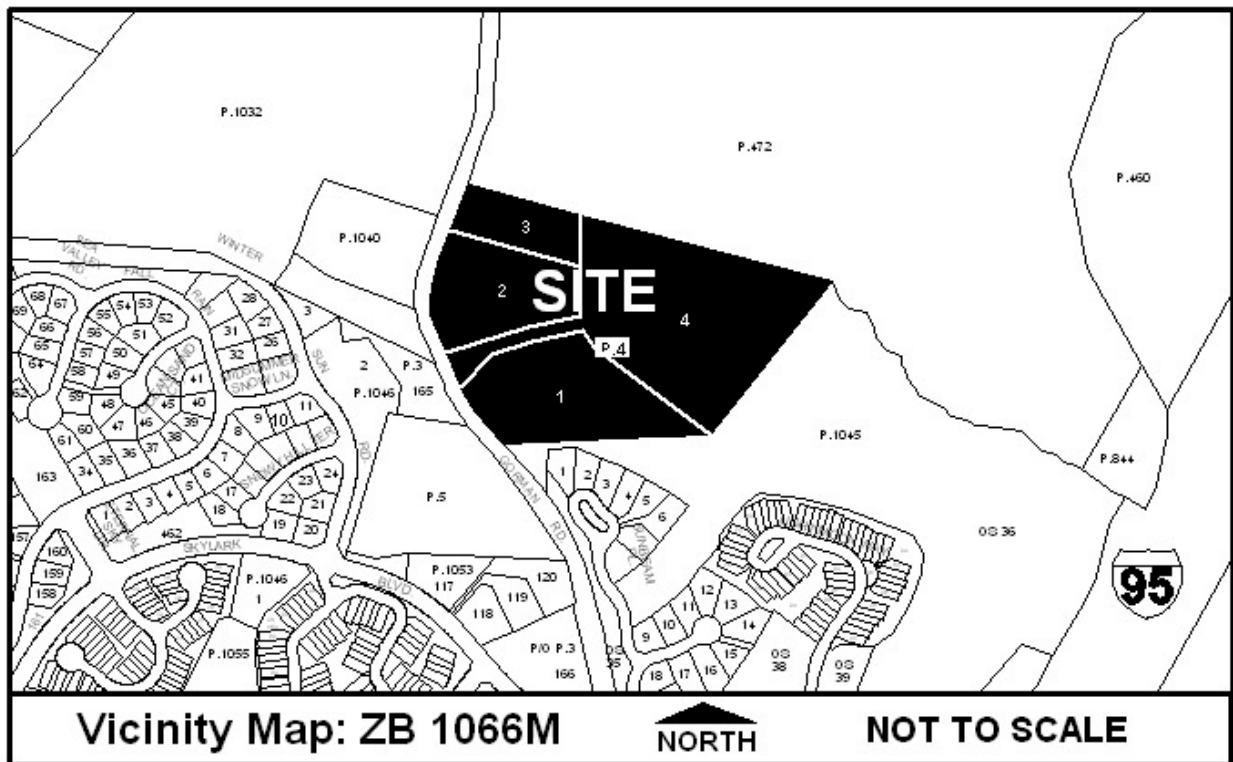
Location: Sixth Election District
East side of Gorman Road approximately 1,000 feet northeast of Skylark Boulevard
Tax Map 47, Grid 2, Parcel 140, Parcel A, 9880-9910 Gorman Road (the "Site")

Area of Site: 18.62 acres **Net area of Site:** 17.96 acres

Current Zoning: PSC **Proposed Zoning:** PSC, with an amended Preliminary Development Plan for an Age-restricted Adult Housing Development

Department of Planning and Zoning Recommendation:

APPROVAL



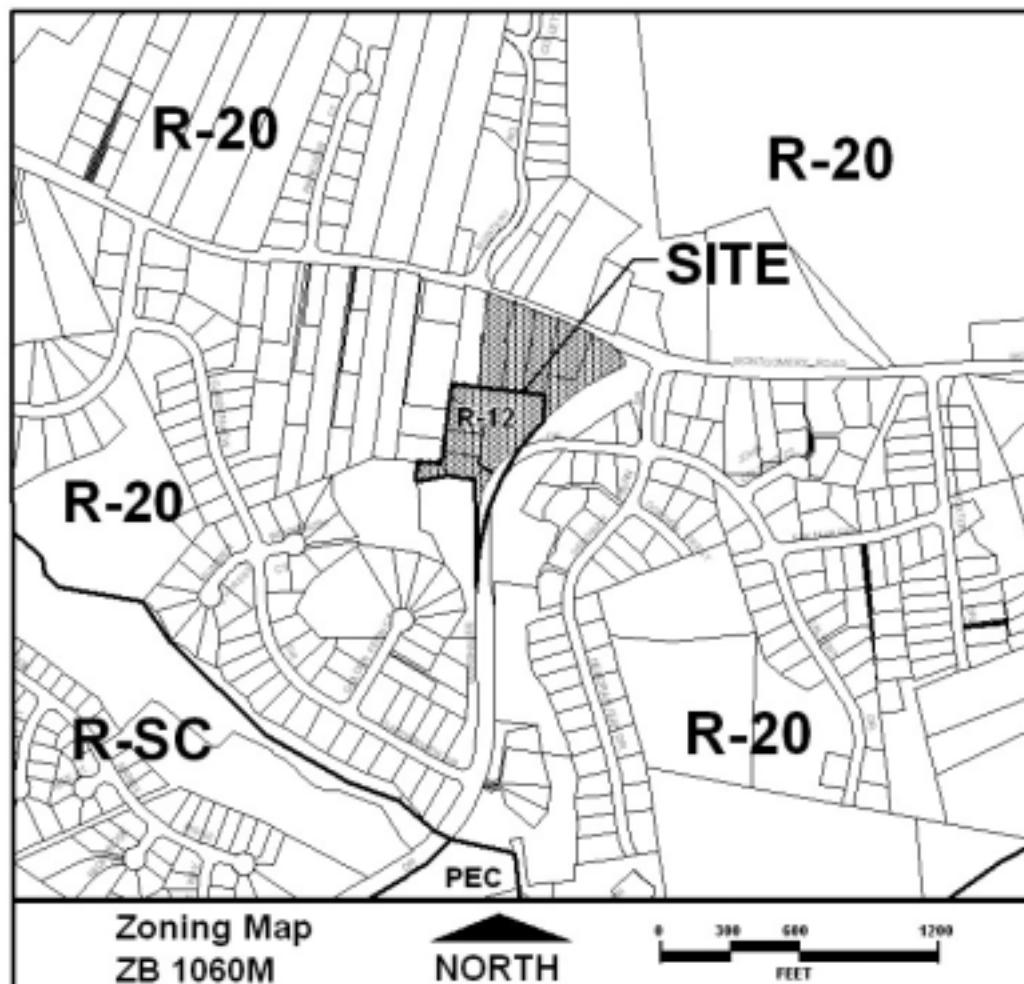
1. DESCRIPTION OF PROPOSAL

- **The Petitioner proposes an amendment to a previously approved Zoning Map Amendment, Zoning Board Case 1041M, which rezoned the site from the R-ED (Residential: Environmental Development) District designation to the PSC (Planned Senior Community) District for an Age-restricted Adult Housing Development with 132 dwelling units.**

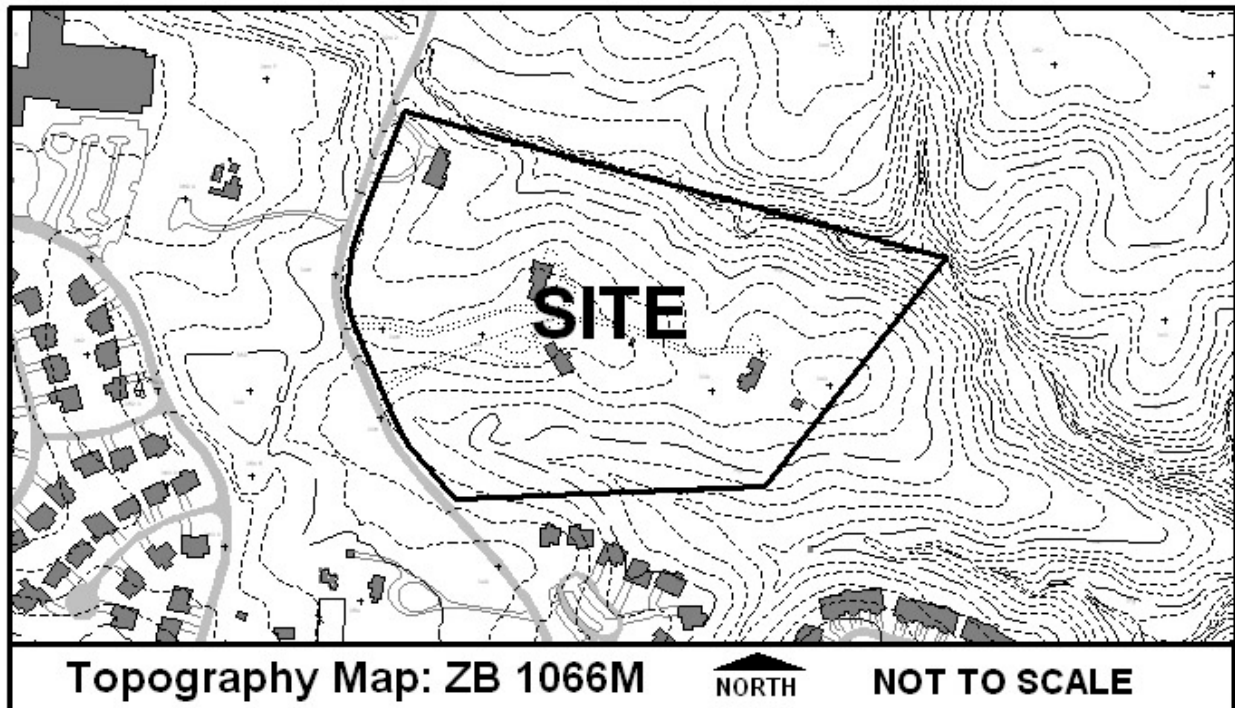
The PSC District is a floating zone, so the issues of change in the character of the neighborhood and mistake in zoning are not applicable in the evaluation of this petition.

- **An amended Preliminary Development Plan (PDP) for an Age-restricted Adult Housing Development is proposed for this PSC District as depicted on Exhibit A-3. The primary purpose of the proposal is to increase the density on the Site to 215 dwelling units, as permitted under the current Zoning Regulations.**

The density would be increased beyond that approved in ZB 1041M in accordance with Zoning Regulation Amendment (ZRA) 69 (see Section II.B., Zoning History, of this report).



- The access to the Site would be a two-lane, separated ingress and egress located on the Gorman Road frontage slightly to the north of the existing driveway on Lot 2. This ingress would extend approximately 200 feet to the northeast to connect with the west side of a private internal street which loops through the Site in a generally elliptical pattern.
- On the west side of this internal street, there would be two, two-dwelling unit buildings to the north of the entrance and one, two-dwelling unit building to the south. Directly east of the entrance would be a community building.
- To the east of the community building, within the central area of the Site surrounded by the internal street, would be four apartment buildings (Buildings A-D), each containing 38 apartment units. A four-unit apartment building would form a “bridge span” connecting the two easternmost apartment buildings (Buildings B and C) inside of the internal street. The Petitioner explains that the proposed bridge span will encompass floor levels 2 through 5 of the buildings and will permit pedestrian access and walk through at the ground floor level. Exhibit A-3 depicts another apartment building, Building E, containing 38 units to the east of the internal street.
- There would be two groups of single-family attached dwelling units across the internal street to the south of the central area. There would be one, seven-unit building and one eight-unit building.



- The dwelling unit breakdown depicted on the submitted Exhibit A-3 is 194 apartment units, 15 single-family attached dwelling units, and six single-family semi-detached dwelling units for a total of 215 units. A total of 39 Moderate Income Housing Units will be provided.
- In ZB 1041M, two Preliminary Development Plans were submitted. Exhibit A depicted a dwelling unit breakdown of eight, single-family semi-detached dwelling units, 24 single-family attached dwelling units, and 100 apartment dwelling units. Alternative Exhibit A-2 depicted a dwelling unit breakdown of eight, single-family semi-detached dwelling units, 15 single-family detached dwelling units, and 109 apartment dwelling units. Both plans proposed a total of 132 dwelling units.
- The petition proposes no major changes in the apartment building footprints over that approved in ZB 1041M. In that case, approximately 25 apartment units were proposed for each building. Under the current proposal, 38 apartment units are proposed for each building (except for the “bridge building”), so presumably the building height will be increased accordingly. The Petitioner did not specifically state the proposed building height under the current proposal; however, building heights must comply with the maximum height requirement of 60 feet for apartment buildings in the PSC District.
- On the Exhibit A-3 plan, each of the five apartment buildings (Buildings A-E) would contain 34 underground parking spaces for a subtotal of 170 parking spaces. Each of the 15 single-family attached and each of the six single-family semi-attached units would have two garage parking spaces and two driveway parking spaces for a subtotal of 84 parking spaces. There would be 80 unassigned parking spaces in various areas on the sides of the private street for a grand total of 334 spaces.
- The general design features concerning the age-related nature of the development are addressed in Exhibit M of ZB 1041M. A detailed description of interior Universal Design features is provided in Exhibit O of the same case. No changes to these exhibits have been proposed in the petition.
- There would be 39 Moderate Income Housing Units provided within the development.

These would be located within the apartment buildings, but there is no information about the precise locations.

II. ZONING HISTORY

- A. Case No. ZB 1041M
Petitioners: Murray Hill PSC, LLC
Request: Rezone 18.61 acres from R-ED to PSC
Action: Granted, May 16, 2005 based on Petitioner’s proposed Preliminary Development Plan and Criteria as submitted to the Board and as amended non-substantively at the public hearing.

B. Subject Site and Surrounding Area

- With the 1961 Comprehensive Zoning Plan, the site and all surrounding properties were zoned R-20. This R-20 zoning was maintained by the 1977 Comprehensive Rezoning Plan.
- The 1985 Comprehensive Zoning Plan maintained the R-20 zoning for the site, and for the properties to the northwest, north, east and south. The properties across Gorman Road to the west and southwest were zoned PEC.
- With the 1993 Comprehensive Zoning Plan, the Site and the other adjacent properties previously zoned R-20 were rezoned to R-ED. The PEC properties across Gorman Road remained PEC. Later, the Emerson property was rezoned from PEC to PEC-MXD-3 in Zoning Board Case No. 979M.
- The zoning for the Site and the surrounding area remained predominantly the same with the 2004 Comprehensive Zoning Plan, except that Parcel 5 across Gorman Road to the southwest was rezoned from PEC to R-SC as Amendment No. 47.01.
- At the time of the hearing of ZB 1041M, the highest permissible density under the Zoning Regulations was eight units per net acre. However, at that time Comprehensive Zoning legislation, Council Bill 2-2005 (known as Comp Lite), was pending before the County Council. Included in this Council Bill was a Zoning Regulation text amendment which would have allowed the permissible density in the PSC District to be increased to 12 units per net acre with certain provisions. The Council Bill was approved, but due to a judicial review and the uncertainty of the text amendment, ZRA 69 was filed. This ZRA, designated Council Bill 48-2006 to increase the permissible density in the PSC District to 12 units per net acre with the provision that 33 percent of all units over eight per net acre be moderate income housing units was approved by the County Council on July 3, 2006.

III. BACKGROUND INFORMATION

A. Site Description

- The Site was formerly comprised of four lots of the Waskey Property subdivision. Resubdivision plat No. 5192 (F-06-170) was recorded to consolidate the lots and create Westover Glen, Parcel A. There are four single-family detached dwellings located throughout the Site.
- The topography of the Site is rolling. The highest point is in an area generally to the west of the dwellings on former Lot 1 and Lot 2. From this point the Site slopes down generally to the north and south, with a very slight slope down to the east.

B. Vicinal Properties

- **To the north of the Site is Parcel 472, which is approximately 124 acres and is zoned R-ED.**

The area of Parcel 472 which adjoins the Site is a wooded stream. To the north of this wooded area is an open field. This property is apparently used for a wholesale nursery, and there are many greenhouse and other structures located well to the east from Gorman Road down a long driveway.

- **The adjoining land to the east and south of the Site is zoned R-ED and is Open Space Lot 36 of the Emerson Section 1 Area 1 subdivision.**

Lot 36 is almost entirely wooded and is Department of Recreation and Parks property. A short distance further to the south are single-family detached lots in the same subdivision with dwellings fronting on Sunbeam Place.

C. Roads

- **Gorman Road has two travel lanes and a variable paving width within an existing variable width right-of-way. The posted speed limit is 30 miles per hour in this area. Gorman Road is designated a scenic road in this area.**
- **The estimated sight distance from the approximate location of the proposed driveway is approximately 450 to 500 feet to the southeast and 600 feet to the north.**

Precise sight distance measurements may only be determined through a detailed sight distance analysis, however. The estimate is based on current conditions and it is possible that the sight distance to the southeast can be improved.

- **According to data from the Department of Public Works, the traffic volume on Gorman Road east of Murray Hill Road was 3,290 ADT (average daily trips) as of January, 2003.**

D. Water and Sewer Service

- **The subject Property is in the Metropolitan District and is within the 6 to 10 Year Service Area for Water and Sewer according to the Howard County Geographic Information System maps.**

The Site would be served by public water and sewer facilities. Exhibit D in ZB 1041M describes the proposed extensions for the water and sewer lines.

E. General Plan

- **The Site is designated Residential Area on the Policies Map 2000-2020 of the 2000 General Plan.**
- **Gorman Road is depicted as a Minor Collector of the Transportation Map 2000-2020 of the 2000 General Plan.**

F. Agency Comments

The following agency had no objections to the petition:

1. Department of Inspections, Licenses and Permits
2. Bureau of Environmental Health
3. Department of Recreation and Parks

G. Adequate Public Facilities Ordinance

- **The petition is subject to the Adequate Public Facilities Ordinance. A Site Development Plan for the proposed development is subject to the requirement to pass the test for adequate road facilities.**

IV. EVALUATIONS AND CONCLUSIONS

A. Relation to the General Plan

- The proposed development is a residential use and on that basis is in harmony with the Residential Areas designation for the area.
- The petition is in harmony with Balanced and Phased Growth Policy No. 4.3 to “Ensure an adequate housing supply for the elderly, disabled, and special populations”, and especially the actions to accommodate active senior housing and for Universal Design.

B. Evaluation of petition according to Section 127.1.B. of the Zoning Regulations (Requirements for a Planned Senior Community):

1. As noted above, the Site is within the Metropolitan District, but currently is in the 6 to 10 Year Service Area. The development will be served by both public water and sewer facilities.
2. The Site is on Gorman Road, a Minor Collector. The petition complies with Section 127.1.B.2.
3. The development would have 215 dwelling units, which is greater than the 50 dwelling unit minimum.
4. Both single-family attached (the proposed “semi-detached” dwelling units are actually a type of attached dwelling unit) and apartments are provided. Both are designed for independent living. The petition complies with Section 127.1.B.4.

5. According to the exhibits in ZB 1041M, approximately 60 percent of the Site would be Open Space, which is significantly greater than the minimum 35 percent (see Section C.10 below). A recalculation of this Open Space percentage was not depicted on the submitted Exhibit A-3 since building footprints are very similar to those in the prior Zoning Board case.
6. The Petitioner proposes recreation and common areas for residents, including a pathway system throughout the property as well as seating areas.
7. Section 127.1.E.1.b. allows a density of 12 dwelling units per net acre (the Petitioner explains that a more detailed engineering analysis has been performed and it has been determined that the net acreage of the Site is 17.96 acres) for developments providing an additional 33 percent of all units over eight dwelling units per net acre as moderate income housing units. The proposed 39 moderate income housing units meet the requirement of Section 127.1.B.7.
8. The size of the community building in ZB 1041M was 3,690 square feet. The community building depicted in Exhibit 3-A appears to be the same, and no indication to the contrary was made by the Petitioner (see Section C.10 below). This exceeds the 3,140 square feet which would be required for a 215 dwelling unit development (i.e., 20 square feet for the first 99 dwelling units or 1,980 square feet, plus 10 square feet for the 116 dwelling units above 99 or 1,160 square feet).

C. Evaluation of petition according to Section 127.1.G. of the Zoning Regulations (Standards for Approval of a PSC Petition):

1. The proposed development would provide a well planned community with independent dwelling units for older adults and the elderly in compliance with the Purpose of the PSC District.
2. As noted above, the petition complies with Section 127.1.B.
3. Site Development Plan 06-039 was processed for the Site pursuant to ZB1041M and received Technically Complete approval from the Division of Land Development on July 11, 2006.

An updated traffic study, Exhibit B dated September 14, 2006 is included in the current petition. The Petitioner states that the updated traffic study demonstrates that the construction of the 215 unit age-restricted unit community as proposed will not adversely affect traffic operations in the vicinity of the Site though 2009.

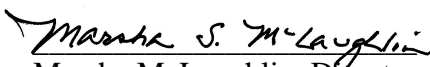
It appears that the proposed access depicted in Exhibit A-3 is the same as that approved in SDP 06-039 in which the issue of safe public road access to and from the site would have been addressed; however, if the increase in the number of units or other factors create other engineering concerns, these would be addressed at the revised Site Development Plan stage.

4. In general, the dwelling units within the development are well buffered from most surrounding properties by existing vegetation and by distance. The apartment buildings which are the tallest buildings are largely kept to the center of the Site, where they will be well separated from other houses in the vicinity, while the shorted attached dwelling units are located closer to the perimeter. The smallest buildings are provided at the front of the Site.
5. The petition complies with Section 127.1.G.5.
6. The petition complies with Section 127.1.G.6.
7. Business uses would not be provided, so Section 127.1.G.7. is not applicable.
8. The open space would be provided in the initial phase, so Section 127.1.G.8. is not applicable.
9. Based on the information provided in Exhibit M and Exhibit O of ZB 1041M, the petition complies with Section 127.1.G. 9.
10. The petition states that except for minor changes shown on the submitted Amended Preliminary Development Plan, Exhibit A-3, and all other criteria of the original petition remain as approved. The original petition, including its exhibits are incorporated by reference and made part of the petition for this case. It was established in ZB 1041M that a Condominium Association would be established which would implement and maintain the age restrictions, open space, and common facilities.
11. As noted above, the development is strictly a residential development and is in harmony with the Residential Areas designation. The Site is also relatively close to the Emerson Mixed Use Development, and the proposed development is not contrary to this nearby Mixed Use designation.

V. RECOMMENDATION

APPROVAL

For the reasons noted above, the Department of Planning and Zoning recommends that the request to amend a Preliminary Development Plan for an Age-restricted Adult Housing Development for 215 dwelling units be APPROVED.


Marsha McLaughlin, Director

04/10/07
Date

NOTE: The file is available for public review at the Department of Planning and Zoning Public Information Counter.